

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 28-48 are pending in the application, with claims 28 and 31 being independent. Claims 1-27 were previously cancelled. Applicant herein amends claim 28. Support for the claim amendments can be found in the original disclosure. No new matter has been added.

§103 REJECTIONS: A. AND B.

A. Claims 28-31 and 33-48 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,276,731 to Arbel et al. (hereinafter “Arbel”) in view of U.S. Patent No. 6,718,026 to Pershan et al. (hereinafter “Pershan”) and further in view of U.S. Patent No. 5,946,386 to Rogers et al. (hereinafter “Rogers”). Applicant respectfully traverses the rejection.

Nevertheless, without conceding the propriety of the rejection, and in the interest of expediting allowance of the application, independent claim 28 has been amended for clarification. Independent claims 28 and 31 are believed to be allowable.

Independent claim 28, as presently amended, recites in part:

a telephone system configured to use a **flow through provisioning system** to pass data
... using a **Transaction Capabilities Application Part (TCAP) protocol** to respond to triggers

Additionally, **independent claim 31**, as currently presented, recites in part:

wherein the telephone system uses a **Transaction Capabilities Application Part (TCAP) protocol** to respond to triggers,
wherein the telephone system uses a **flow through provisioning system** to pass data

Applicant respectfully submits that Arbel, Pershan and Rogers, taken alone or in combination, fail to disclose, teach, or suggest the features of independent claim 28 or independent claim 31.

Arbel, Pershan and Rogers Fail to Teach or Suggest a Flow Through Provisioning System to pass data, or a Transaction Capabilities Application Part (TCAP) protocol to respond to triggers.

Arbel

Arbel is directed towards handling incoming telephone calls, including delivering predetermined messages to predetermined calling parties, prioritized screening of incoming telephone calls, and re-routing incoming telephone calls on the basis of predetermined selection criteria (Arbel, Abstract).

However, Arbel fails to disclose, teach or suggest “a telephone system configured to use a **flow through provisioning system** to pass data” or “using a **Transaction Capabilities Application Part (TCAP) protocol** to respond to

triggers” as recited by independent claim 28, or “wherein the telephone system uses a **Transaction Capabilities Application Part (TCAP) protocol** to respond to triggers, wherein the telephone system uses a **flow through provisioning system** to pass data” as recited by independent claim 31. Accordingly, neither independent claim 28, nor independent claim 31 is disclosed, taught or suggested by Arbel.

Pershan

Pershan fails to compensate for the deficiencies of Arbel with respect to independent claims 28 and 31. Pershan is directed towards call forwarding services and next event list messages, including optional notification of forwarded calls (Pershan, col. 3, lines 19-21). The service subscriber in Pershan can update call forwarding service information stored at, e.g., a service control point, by calling an interactive voice response system or through the use of a personal computer with a web browser application (Pershan, col. 3, lines 33-37).

However, Pershan fails to disclose, teach or suggest “a telephone system configured to use a **flow through provisioning system** to pass data” or “using a **Transaction Capabilities Application Part (TCAP) protocol** to respond to triggers” as recited by independent claim 28, or “wherein the telephone system uses a **Transaction Capabilities Application Part (TCAP) protocol** to respond to triggers, wherein the telephone system uses a **flow through provisioning system** to pass data” as recited by independent claim 31. Accordingly, Pershan fails to compensate for the deficiencies of Arbel, as Pershan fails to disclose, teach

or suggest the features recited by independent claims 28 and 31.

i. Pershan fails to disclose, teach or suggest flow through provisioning.

On pages 4-5 and 11 of the Office Action, the Office cites Fig. 2, 160 of Pershan as allegedly teaching “a flow through provisioning system to pass data,” as recited in independent claims 28 and 31. Applicant respectfully disagrees. Rather, Fig. 2, 160 of Pershan describes a set of management server routines stored in the memory of an “internet customer access server.” “The routines which form the management server application 160 are responsible for providing a subscriber access to telephone service subscriber information and hardware required to manage the subscriber’s services.” (Pershan, col. 9, lines 4-8). In contrast, Applicant submits knowledge of flow through provisioning by one skilled in the art with the following definitions.

Nicholson et al.:

[a]utomating initial service provisioning and activation processes. ... Flow-through provisioning automates the delivery of circuits, line-side services and new IP services to customers. ... This involves the full automation of service design, resource allocation, bandwidth and capacity management, and service activation--even in cross-domain environments spanning multiple network layers, technologies and vendors.

Mark Nicholson and Muni Perzov, *Going with the Flow: truly effective flow-through provisioning systems must be designed to address key service provider business and network realities*, Telecommunications Americas, April, 2002, as reprinted on bnet, http://findarticles.com/p/articles/mi_m0NUH/is_4_36/

ai_97999421. While Pershan describes a set of management server routines for customer use, Pershan fails to disclose, teach or suggest “a flow through provisioning system to pass data,” as recited in independent claims 28 and 31. Applicant respectfully submits that Pershan fails to disclose, teach, or suggest the features of independent claim 28 or independent claim 31.

ii. Pershan fails to disclose, teach or suggest a TCAP protocol.

On pages 4-5 and 11 of the Office Action, the Office cites col. 16, lines 8-19 of Pershan as allegedly teaching “using a TCAP protocol to respond to triggers,” as recited in independent claims 28 and 31. Applicant respectfully disagrees. Pershan describes call forwarding message communication over a network connection, including an internet connection. While such communication as described in Pershan may assume the use of a communication protocol, Pershan does not disclose, teach or suggest the use of a TCAP protocol. A TCAP protocol is distinguished from the many SS7 protocols, and is described by Wikipedia as follows:

Transaction Capabilities Application Part, from ITU-T recommendations Q.771-Q.775 or ANSI T1.114 is a protocol for Signaling System 7 networks. Its primary purpose is to facilitate multiple concurrent dialogs between the same sub-systems on the same machines, using **Transaction IDs** to differentiate these, similar to the way TCP ports facilitate multiplexing connections between the same IP addresses on the Internet.

http://en.wikipedia.org/wiki/Transaction_Capabilities_Application_Part.

The use of a TCAP protocol offers specific advantages to the user. For example,

when two machines have a dialog using a TCAP protocol, the machines use unique identifiers to track the commands communicated to each other. (<http://www.itu.int/ITU-T/asn1/database/itu-t/q/q773/1997/TCAPMessages.html#TCAPMessages>). Pershan fails to disclose, teach or suggest the unique features and advantages of a TCAP protocol, including the use of Transaction IDs to track communications commands between systems and machines. Thus, while Pershan describes communications over network connections, Pershan fails to disclose, teach or suggest “using a TCAP protocol to respond to triggers,” as recited in independent claims 28 and 31. Applicant respectfully submits that Pershan fails to disclose, teach, or suggest the features of independent claim 28 or independent claim 31.

Rogers

Rogers fails to compensate for the deficiencies of Arbel and Pershan with respect to independent claims 28 and 31. Rogers is directed towards a call management system with call control from user workstation computers via a digital data network (Rogers, Abstract). The system of Rogers enables the called party to know who is calling before the call is accepted and, thus, to establish the likely priority of the call and decide how best to handle the call before his telephone rings (Rogers, col. 1, lines 50-53). The call management computer receives and answers all calls from the telephone provider’s central office (Rogers, col. 2, lines 4-5).

However, Rogers fails to disclose, teach or suggest “a telephone system configured to use a **flow through provisioning system** to pass data” or “using a

Transaction Capabilities Application Part (TCAP) protocol to respond to triggers” as recited by independent claim 28, or “wherein the telephone system uses a **Transaction Capabilities Application Part (TCAP) protocol** to respond to triggers, wherein the telephone system uses a **flow through provisioning system** to pass data” as recited by independent claim 31. Accordingly, Rogers fails to compensate for the deficiencies of Arbel and Pershan, as Rogers fails to disclose, teach or suggest the features recited by independent claims 28 and 31.

Thus, Arbel, Pershan and Rogers, taken alone or in combination, fail to disclose, teach, or suggest at least these features of independent claims 28 and 31. Therefore, independent claims 28 and 31 are believed to be allowable, for at least these reasons.

Dependent claims 29-30 depend from independent claim 28, and **dependent claims 33-48** depend from independent claim 31. Dependent claims 29-30 and 33-48 include all of the features of the respective independent base claims. They are, therefore, allowable by virtue of this dependency as well as for additional features that each recites.

For example, dependent claim 38 recites “wherein the indication [that the call is being forwarded to the forwarding telephone number] provided to the caller [of the subscriber number] is a lamp.” Arbel, Pershan and Rogers, taken alone or in combination, fail to disclose, teach, or suggest at least this feature of dependent

claim 38. Thus, dependent claim 38 is believed to be allowable for at least these additional reasons.

B. Claim 32 stands rejected under 35 U.S.C. § 103(a) as being obvious over Arbel, Pershan, Rogers, and in further view of U.S. Patent No. 5,963,864 to O’Neil et al. (hereinafter “O’Neil”). Applicant respectfully traverses the rejection.

Dependent claim 32 depends from independent claim 31 and is, therefore, allowable by virtue of this dependency as well as for additional features that it recites.

As discussed above, Arbel, Pershan and Rogers, taken alone or in combination, fail to disclose, teach, or suggest “wherein the telephone system uses a **Transaction Capabilities Application Part (TCAP) protocol** to respond to triggers, wherein the telephone system uses a **flow through provisioning system** to pass data” as recited by independent claim 31.

O’Neil fails to compensate for the deficiencies of Arbel, Pershan, and Rogers with respect to independent claim 31. O’Neil is directed to a method and system for providing a telecommunication extension service (O’Neil, Abstract). This service provides ringing to both units of a two unit set, upon receipt of a communication directed to one of the two units (Id.). A party may answer either one of the two units, or both units, providing for the possibility of a conference call between the caller, and the parties answering each of the two units (Id.).

However, O’Neil fails to disclose, teach or suggest “wherein the telephone system uses a **Transaction Capabilities Application Part (TCAP) protocol** to respond to triggers, wherein the telephone system uses a **flow through provisioning system** to pass data” as recited by independent claim 31. Thus, O’Neil fails to disclose, teach or suggest these features as recited by incorporation in dependent claim 32. Accordingly, Arbel, Pershan, Rogers and O’Neil, taken alone or in combination, fail to disclose, teach, or suggest at least these features of dependent claim 32. Dependent claim 32 is believed allowable for at least these reasons.

RESPONSE TO ARGUMENTS

The cited references do not show TCAP protocols were well known at the time of the invention.

On pages 5 and 11 of the Office Action, the Office states that “TCAP protocols ... *are* well known in advance intelligent network and the advantage of using them *are* also well known.” (Emphasis added). Applicant respectfully submits that this is an incorrect standard to be applied. Section 2142 of the MPEP states

To reach a proper determination under 35 U.S.C. 103, the examiner must step backward in time and into the shoes worn by the hypothetical “person of ordinary skill in the art” when the invention was unknown and just before it was made.

... impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.

Applicant respectfully submits that the cited references have not shown that TCAP protocols or their advantages were well known to “the hypothetical ‘person of ordinary skill in the art’ when the invention was unknown and just before it was made.”

Applicant respectfully submits that the cited references do not render the claimed subject matter obvious and that the claimed subject matter, therefore, patentably distinguishes over the cited references. For all of these reasons, Applicant respectfully requests the §103 rejection of these claims, and the finality of the Office Action be withdrawn.

CONCLUSION

For at least the foregoing reasons, claims 28-48 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, **Applicant requests that the Examiner contact the undersigned attorney to resolve the issue.**

Respectfully submitted,
Lee & Hayes PLLC

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By: /Patrick D.S. Reed/
Patrick D.S. Reed
Reg. No. 61,227
(509) 324-9256 ext. 252